



# Draft

## **WorkFirst Handbook – First Draft Issued 8/15/2003**

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### **Tribal TANF Background**

The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) provided tribal governments an unprecedented opportunity to design and administer their own TANF programs under [42 USC 612](#). Congress recognized the unique economic hardship and challenges facing tribal members by allowing Indian tribes greater flexibility in designing program requirements to meet TANF goals. Tribal TANF programs are required to provide the entire range of services: case management, grants, support services, AREN, employment, participation, IRPs, sanctions and terminations.

[RCW 74.08A.040](#) supports the federal law and directs the state to work with tribes and support Tribal TANF programs through the transfer of a fair and equitable amount of State MOE funds.

The state WorkFirst program provides services to tribal members not served by a Tribal TANF program. When a Tribal TANF program begins operations, regional CSO staff identify eligible tribal cases and transfer them to the Tribal TANF program. New tribal applicants are referred to the Tribal TANF program. The transferring CSO will close TANF effective the end of the transfer month.

At this time, federal law does not give tribes legal authority to administer the Basic Food or Medicaid programs. For Tribal TANF recipients, the state partners with the tribe to provide these services. The state determines eligibility and issues the benefits. In addition, tribal members are dually eligible for child care (see [Working Connections Child Care](#) for additional information).

### **What is the process for a tribe to start a Tribal TANF program?**

The tribe:

- Submits a letter of intent to the federal government.
- Develops a Tribal Family Assistance Plan (TFAP), or Tribal TANF plan, outlining its approach to providing

- [Resources](#)

[9.4 Tribal Contracting Initiative](#)

[9.5 Tribal Participation](#)

[9.6 Child Support](#)

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**Legal References:**

[RCW 74.08A.040](#) *Indian Tribes - Program access - Funding – Rules*

[RCW 74.08A.050](#) *Indian Tribes - Tribal Program - Fiscal Year*

[WAC 388-310-1900](#) *WorkFirst -- Services for American Indian Tribal Members and Other American Indians.*

▪ [42 USC 612](#)

• [45 CFR 286](#)

welfare-related services and submits it directly to the federal government.

- Enters into negotiations with the state to determine, at a minimum, the Tribal Family Assistance Grant amount. When an agreement is reached, an intergovernmental agreement is signed and a regional operating agreement is developed.

**How is a Tribal TANF program implemented?**

The Regional Office and affected CSOs assume the lead in negotiating an Operational Agreement. This agreement addresses how:

- Cases will be transferred.
- Cases will be handled if the client moves out of the Tribal TANF service area.
- Information will be exchanged for the local office to determine basic food and medical eligibility.
- The tribe will handle child support collections.
- To communicate issues and questions with each other.

**Which tribes in Washington State have current Tribal TANF Programs?**

1. Lower Elwha Klallam Tribe
2. Port Gamble S'Klallam Tribe
3. Quinault Indian Nation
4. Quileute Tribe (also serving the Hoh Tribe)
5. Confederated Tribes of the Colville Reservation
6. Spokane Tribe of Indians

As Economic Services Administration (ESA) negotiates other Tribal TANF agreements, they will be added to the list when finalized.

Tribal TANF agreements and plans are in effect for a 3-year period. After that, they may be renewed with the state and the federal government. The Lower Elwha and Port Gamble Tribal TANF programs are in their second 3-year plan. (Add Link to chart on Tribal TANF program service areas and service population)

**Who is eligible for Tribal TANF?**

- Assistance Units that include at least one client, child or adult, who are Native American/ Alaska Native or are affiliated with an Indian Tribe (This is one of the many uses of the Native American race and tribal affiliation codes in ACES).
- Assistance Units who live in the service area of a Tribal TANF Program.

Each tribe negotiates with the state (and neighboring tribes if applicable), regarding whom they will serve and in what areas. The tribes have the authority to define its service area and its

Here is a directory of [Tribal TANF Programs in Washington State](#).

[Click Here](#) to view the ACF Office of Community Services Tribal TANF Characteristics chart.

*"The Tribe and the Department each have jurisdiction over providing comprehensive welfare reform services and additional support services..."*

*The parties recognize their respective sovereignty and enter into this Agreement consistent with the government-to-government relationships affirmed by the Centennial Accord of 1989.*

*...The parties recognize that their ability to serve TANF families shall be enhanced with the establishment of a process and procedures for the transfer and exchange of services."*  
**-TANF Agreement with the Spokane Tribe and DSHS, March 2003**

The tribes have the authority to define its service area and its service population. They may serve all Native Americans or only tribal members. Tribes typically, but not always, serve all Native Americans who live on their reservation.

In addition to their reservation, the tribe decides their geographic service areas, called "near reservation areas." In *near reservation areas*, the tribes may serve all Native Americans or only tribal members. If this area is also the *near reservation area* of more than one tribe, the tribe will contact the other tribe(s) and, if necessary, work out an agreement with the other tribe(s) on who will be served. The *near reservation areas* are defined by the Bureau of Indian Affairs (BIA). They are often identified by county or zip code boundaries and should be included in the local operating agreement. (See chart for service areas.)

### **Where is eligibility defined?**

Eligibility is defined in Operational Agreements and in the Tribal Family Assistance Plan (TFAP). Copies of the regional operational agreement and the TFAP should be available from the regional office and the affected CSO(s).

Eligibility is different for each tribe, so refer to the specific tribe's agreement for details. There is minimal state law and WAC on eligibility, since it is primarily governed by federal law and regulation and varies by each tribe.

The operational agreement should include communication and contact information to resolve issues and questions as they arise. This is the first and best step to resolving issues. If you need to, ask regional office for assistance.

### **Can eligible Native Americans choose to receive TANF services from either the state or the tribe?**

Assistance Units have the option of being served by either the Tribal TANF program or the State TANF program, but are first referred to the tribe. Funds were transferred to the tribes for serving them.

Assistance Units cannot receive both State TANF and Tribal TANF for the same month. Even if the AU includes tribal and non-tribal members, the whole AU must be served by one program or the other.

In general, tribes provide TANF to an Assistance Unit containing at least one eligible adult or child who is Native American, or an enrolled member of his or her own tribe.

At application, if an Assistance Unit includes a Native American, they are referred to the applicable Tribal TANF program for an eligibility determination (Appearances are misleading, so be sure to ask the members of the household what race(s) they consider themselves to be to update coding).

The Tribal TANF case manager will share information with the local CSO to determine food stamp and medical eligibility.

#### **How are basic food and medical benefits handled?**

Federal law does not currently permit a tribe to administer a basic food or medical program.

TANF operational agreements outline the eligibility process for basic food and medical benefits, including communication methods between the tribal case manager and the local CSO. The Tribal TANF program advises the CSO that the recipient is receiving Tribal TANF.

For basic food benefits, Tribal TANF cases are treated as Categorically Eligible (CE).

In most circumstances, the Tribal TANF AU will also be eligible for medical. In some cases, however, Tribal TANF eligibility will be different and the AU or certain individual clients may not be eligible for medical. For example, if one Tribal TANF program includes the father of the unborn baby in the AU, he would not be eligible for medical until the baby's birth.

The majority of Tribal TANF AUs are treated similar to regular state TANF AUs wherever receipt of TANF is a factor.

#### **How is child care handled?**

Under federal law and funding, Tribal TANF AU's are dually eligible for child care. The AUs may be served through either the Tribal TANF program or through the state's [Working Connection Child Care](#) program, but not both. The client can choose which program to apply for, or the tribe can require the client to first apply for state child care. The tribe's child care program may be broader and able to serve clients not eligible for state's program. Clients may not receive payment from both programs for any given month.

#### **How is eligibility for other WorkFirst services handled?**

The Tribal TANF program has received TANF funds to provide all TANF WorkFirst services. For this reason, a tribe with a TANF program cannot have a WorkFirst contract with partner agencies since these contracts are also funded by TANF.

The Tribal TANF program must provide all client services (job search, participation, support services, AREN, barrier removal services). Under the Tribal TANF program, the tribe has the flexibility to provide services in a different manner and may call them by a different name.

#### **Child Support for Tribal TANF Clients**

For Tribal TANF tribes, Division of Child Support (DCS) and

the tribe develop agreements and procedures regarding the establishment of paternity and child support and the enforcement and distribution of child support. Under most Tribal TANF programs, after the client has signed an assignment of child support to the tribe, child support collections are sent to the tribe for appropriate distribution.

**Do I need to do create an IRP?**

- Do not create an IRP as the client receives all TANF services including case management, payment of the grant, participation, IRPs, sanctions, AREN and support services through the Tribal TANF program.
- The CSO may continue to provide child care services.

**What are the e-JAS and ACES codes?**

1. Tribal TANF clients are not part of e-JAS. Do not use "RT" this is when the client is referred to tribal contractors or service providers for State TANF recipients.
2. There is not currently an ACES code for Tribal TANF income. Code it as *other income*. Use the ACES narrative to identify the client as a Tribal TANF recipient.

**Tribal TANF - Step-by-step guide**

1. Ask each member of the household their race, tribal affiliation, whether or not they live on/off reservation and

Basic Food and as a state TANF case for Medical eligibility (In a few cases, Tribal TANF eligibility is different and not all of the clients in the AU may be eligible).

### **What if cases are transferred in or out of a service area of a Tribal TANF program?**

If an eligible Native American AU moves into or out of an area served by a Tribal TANF program, the case will be transferred in or out of the program. This is similar to cases transferring in and out of another state. Currently there is no specific code to identify the income as Tribal TANF income. This is in the narrative. If the case is transferring from a Tribal TANF program to another CSO in the state, the transferring CSO and the narrative should identify the case as receiving Tribal TANF instead of as a non-assistance case.

Case managers need to be aware that the Tribal TANF program may have differences in the amount of the grant, as well as, differences in income and resource eligibility rules. Also, the program requirements, hours, and types of activities may be different. The WorkFirst eligibility rules and participation requirements must be explained to the client as with a new or out-of-state transferring case.

If the case is transferring into a CSO in a Tribal TANF service area and the case includes an eligible Native American AU member, the local CSO will screen the case and refer it to the Tribal TANF program according to the local operating agreement.

## **Resources**

### **Related WorkFirst Handbook Sections**

- [Introducing Participants to WorkFirst](#)
- [Working Connections Child Care](#)
- [Individual Responsibility Plan](#)
- [e-JAS screening & evaluation](#)

### **Other Resources**

- [EA-Z Manual Indian Country Disregard](#)
- [STRU Website](#)
- [ACF, Office of Community Services, Division of Tribal Services Website](#)
- Regional Operating Agreement and contact person
- [STRU staff](#)



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